IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16138 of 2004

Between:

J. Mallesham, E-306236, Ex-Conductor, S/o. Durgaiah,
R/o. Qr. No. D-1441, Vittal Nagar, Godavarikhani, Karimnagar District.

..... PETITIONER

AND

1 The Depot Manager, A.P.S.R.T.C., Godavarikhani Depot, Karimnagar District.
2 The Industrial Tribunal-cum-Labour Court, rep by its Presiding Officer, Godavarikhani,
Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of "Certiorari" by calling for the records relating to and in connection with the award of the Labour court passed in I.D.No. 159/2000 dt. 14-9-2001, which was published in the Gazette vide GORT No. 2690 dt. 19-10-2001, in confirming the order of removal from service and not granting the wages for the period out of employment by reinstating me into service, and as such quash the award as unjust and illegal, contrary to well established principles of law and consequently direct the Respondents herein to reinstate the petitioner and to pay the wages for the removal period forthwith along with all benefits.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondent No.1: SC FOR APSRTC

Counsel for the Respondent No.2 : G.P.for Labour.

The Court made the following :

THE HONOURABLE DR.JUSTICE G.YETHIRAJULU

WRIT PETITION NO.16138 OF 2004

ORDER:

Petitioner worked as the conductor. He was removed from service after departmental enquiry on certain irregularities. The appeal preferred by the petitioner was also dismissed by confirming the order of the disciplinary authority. Being aggrieved by the said order, the petitioner approached the Industrial Tribunal through I.D.No.159 of 2000 and the Industrial Tribunal without going into the merits of the case passed an unreasoned order dated 14.9.2001, by confirming the order of the Disciplinary Authority. The said order of the Industrial Tribunal reads as follows:

> " I consider that the punishment of removal of the petitioner from the service was not in proportion to the charges. But the petitioner did not raise dispute after his removal from the service. He kept quiet for more than four years eight months. It shows that there was no dispute pending between the petitioner and the management prior to the filing of the present petition.
>
> I therefore, consider that the petitioner cannot be reinstated into service."

The Tribunal having observed that the punishment of removal is disproportionate to the gravity of charges, ought to have passed the order by giving sufficient reasons. Since the order of the Industrial Tribunal dated 14.9.2001 is not supported by reasons, the said order is hereby set aside. The matter is remitted back to the Industrial Tribunal, Godavarikhani for disposal on merits, after giving opportunity to

both the parties, within three months from the date of appearance of the parties.

The writ petition is disposed of accordingly. No costs.

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(Dr.G.YETHIRAJULU,J)

Dated: 10.9.2004.

Mdaa.

Copy to:

1 The Depot Manager, A.P.S.R.T.C., Godavarikhani Depot, Karimnagar District.
2 The Presiding Officer, Industrial Tribunal-cum-Labour Court, Godavarikhani, Karimnagar District.

3. Two C.Cs., to G.P. for Labour, High Court of A.P., Hyderabad(OUT)

4. Two C.D.copies.